

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL REVISION APPLICATION No 318 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE N.J.PANDYA

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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BABDUBHA KHUMANSINH @ BAGHUBHAZALA

Versus

STATE OF GUJARAT

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Appearance:

MR YATIN SONI for Petitioner

MR DHAVAL DAVE APP for Respondent No. 1

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CORAM : MR.JUSTICE N.J.PANDYA

Date of decision: 17/10/97

ORAL JUDGEMENT

Rule. Mr. Dhaval Dave, learned A.P.P. waives service for respondent No.1.

Request for cancellation of bail, no doubt, by the State Government, was initiated at the instance of the complainant. Learned Additional Sessions Judge, Rajkot at Morbi allowed in Cri. Misc. Application No. 19 of

1997. The learned Sessions Judge has passed the order on the basis of the alleged subsequent development which was totally irrelevant to the matter.

The allegation is that a third person who is not connected with the case has lodged a complaint that accused who are released on bail had threatened him that the threatened man should call the complainant of this case else he will be visited with dire consequences.

The learned trial Judge ought to have realized that such things are easy to manipulate. In view of the guidelines as laid down by the Supreme Court in the case reported in AIR 1984 SC 372 in the case of Bhagirathsinh Judeja v. State of Gujarat and 1995 (1) SCC 349 in the case of Dolat Ram v. State of Haryana, the bail ought not to have been cancelled.

The application is, therefore, allowed. The order of the trial court is set aside. The accused/ petitioner continues to be on bail on the same terms and conditions as imposed by this Court. Rule is made absolute. Direct service is permitted.